REMARKS

Claims 1-8 are pending in the case. Claims 1-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Brotz (U.S. Patent No. 4,882,681; hereafter "*Brotz*") in view of Rutten *et al.* (U.S. Patent No. 6,632,251; hereafter "*Rutten*"), and further in view of Davitt *et al.* (U.S. Patent No. 5,392,343; hereafter "*Davitt*"). Claims 1 and 5 are herein amended. No new matter has been introduced. Reconsideration of the present application in view of the foregoing amendments and the remarks below is respectfully requested.

Claim Rejection under 35 U.S.C. § 103

Claims 1-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Brotz* in view of *Rutten*, and further in view of *Davitt*.

Specifically, the Office Action states that although *Brotz* does not teach a means for counting the translation time in determining a price for a translation service, *Rutten* discloses such a means. Further, the Office Action states that *Davitt* provides the teaching of adding a translation service fee to a phone bill.

Applicants respectfully traverse the rejection.

Applicants maintain their view that there is no motivation for one skilled in the art to combine *Brotz* that discloses the translation services through the telephone communication network involving spoken languages and *Rutten* that discloses the document producing support system involving written languages. The Office Action states that *Brotz* and *Rutten* are analogous art in the field of language translation because both processes ultimately involve the translation of text. Applicants respectfully submit that, even though both processes may ultimately involve the translation of text, one skilled in the art would still not view these two services as analogous because the translation of spoken languages in a telephone communication

involves a live spoken communication between at least two (2) terminals, connected via the translation apparatus, per translation request, whereas the document translation service disclosed in *Rutten* involves a single user per translation request.

Furthermore, even if *Brotz* and *Rutten* were to be combined, it would not result in the method for providing translation service as recited in the present claims for the same reason as discussed above. In *Rutten*, a single end user obtain certain language technology applications from a third party through a network and is charged on a "pay-as-you-use" on demand basis for his own use of the translation service. This process in *Rutten* involves no "second user." In other words, in *Rutten*, the single user requests the translation of the document, which is then returned to the same user and the timing system of *Rutten* simply counts the length of time for which the same single user uses the translation application.

In contrast, the methods of the present invention involves a real-time, live spoken communication between a first user (*i.e.*, a first telephone terminal) and a second user (*i.e.*, a second telephone terminal), the latter also using the same translation service as the first user. The total usage of the translation service by the both terminals is counted and the translation fee is determined and charged to the first user (*i.e.*, a first telephone terminal) by the accounting apparatus. *Rutten* does not teach or even suggest an involvement of multiple users per translation request and, therefore, nor a method for counting translation times by multiple users and billing the total fee to a single user.

In *Davitt*, the translation is performed by a live human, rather than by the translation apparatus and does not teach or suggest a method for automatically counting a time required for the machine translation and billing the first telephone terminal together with a rate for a call.

Thus, claims 1-8 are not obvious over *Brotz*, *Rutten*, and *Davitt*, each alone or in any combination.

Claims 1 and 5 are herein amended for clarification purposes. No new matter has been introduced.

Accordingly, the rejection of claims 1-8 under 35 U.S.C. § 103(a) as being unpatentable over *Brotz* in view of *Rutten*, and further in view of *Davitt*, should be withdrawn.

In view of the above amendments and remarks, Applicants believe the pending application is in condition for allowance, an early notification of which is earnestly requested.

Dated: January 24, 2006

Respectfully submitted,

By _____

Michael J. Scheer
Registration No.: 34,425
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
1177 Avenue of the Americas
New York, New York 10036-2714
(212) 835-1400
Attorneys for Applicant